United Nations S/2012/97

Security Council

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## United States of America: draft resolution

*The Security Council*,

*Recalling* its previous resolutions and statements of its President concerning Sudan,

*Reaffirming* its commitment to the cause of peace throughout Sudan, to the sovereignty, independence, unity and territorial integrity of Sudan, to the full and timely resolution of outstanding Comprehensive Peace Agreement (CPA) issues, *welcoming* the Doha Document for Peace in Darfur, and *recalling* the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region,

*Recognizing* that the Darfur conflict cannot be resolved militarily and a durable solution can only be obtained through an inclusive political process,

*Reiterating* its full support for efforts to reach a comprehensive and inclusive solution to the conflict in Darfur, and welcoming the Doha Document for Peace in Darfur as a basis for these efforts, the need for the completion of the political process, and an end to the violence and abuses in Darfur,

*Urging* the Government of Sudan and the Liberation and Justice Movement (LJM) to deliver on the commitments made in the Doha Document for Peace in Darfur, and *urging* all parties, in particular other armed movements who have not signed the Doha Document for Peace in Darfur, to indicate a willingness to negotiate without preconditions or further delays on the basis of the Doha Document for Peace in Darfur and fully participate in the Joint African Union/United Nations Mediation,

*Welcoming* the inauguration of the Darfur Regional Authority as an important step in the implementation of the Doha Document for Peace,

*Demanding* that the parties to the conflict exercise restraint and cease military action of all kind, including aerial bombardments,

*Demanding* an immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians in line with resolutions 1325 (2000), 1820 (2008), 1888 (2009), and 1889 (2009); recruitment and use of children in line with resolutions 1998 (2011), 1612 (2005), and 1882 (2009); and indiscriminate attacks on civilians in line with resolution 1894 (2009),



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*Commending* the efforts of, and reiterating its full support for, the United Nations/African Union Hybrid Operation in Darfur (UNAMID), the Joint African Union/United Nations Mediation, the United Nations Secretary-General, the African Union High Level Implementation Panel on Sudan, and the leaders of the region to promote peace and stability in Darfur, and expressing strong support for the political process under the African Union/United Nations-led mediation,

*Urging* enhanced cooperation and information sharing between UNAMID and the Panel of Experts, called for by the Department of Peacekeeping Operations' guidelines and with the assistance of the UNAMID focal point,

*Recalling* the 28 June 2011 midterm report by the Panel of Experts appointed by the Secretary-General pursuant to paragraph 3 (b) of resolution 1591 (2005) and extended by subsequent resolutions, *taking note* of the Panel of Expert's final report, and *expressing* its intent to study, through the Committee, the Panel's recommendations and to consider appropriate next steps,

*Expressing* concern over the obstacles that have been imposed on the work of the Panel of Experts during the course of its last mandate, including delays in the issuance of visas and travel permits, and restrictions to the freedom of movement of the Panel of Experts and UNAMID,

*Emphasizing* the need to respect the provisions of the Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

*Reminding* all States, particularly States in the region, of the obligations contained in resolutions 1556 (2004), 1591 (2005), and 1945 (2010) in particular those obligations relating to arms and related materiel,

*Stressing* the necessity articulated in the Doha Document for Peace in Darfur that all Parties to the armed conflict in Darfur shall fully and unconditionally accept their obligations under international humanitarian law, international human rights law, and relevant Security Council resolutions,

*Calling on* the Government of Sudan to fulfil all its commitments, including lifting the state of emergency in Darfur, allowing free expression and undertaking effective efforts to ensure accountability for serious violations of international human rights and humanitarian law, by whomsoever perpetrated,

*Emphasizing* the imperative, highlighted in the Doha Document for Peace in Darfur, to refrain from all acts of violence against civilians, in particular vulnerable groups such as women and children, and from violations of human rights and international humanitarian law and the need to address the urgent humanitarian crisis faced by the people of Darfur, including the guarantee of unrestricted humanitarian access to all areas,

*Noting that* acts of hostility, violence or intimidation against the civilian population, including IDPs, in Darfur and other activities that could endanger or undermine the Parties' commitment to a complete and durable cessation of hostilities would be inconsistent with the Doha Document for Peace in Darfur,

*Determining* that the situation in Sudan continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend until 17 February 2013 the mandate of the Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), 1841 (2008), and 1891 (2009), 1945 (2010), and 1982 (2011) and *requests* the Secretary-General to take the necessary administrative measures, including basing arrangements, as expeditiously as possible;

2. *Notes* the creation on 11 January 2012 of two additional states in Darfur, and *confirms* that all previous references to North, South and West Darfur shall apply to all the territory of Darfur, including the new states of Eastern and Central Darfur;

3. *Decides* that the listing criteria set out in paragraph (3) (c) of resolution 1591 (2005) shall also apply to entities;

4. *Decides* that the exemptions in support of the implementation of the Comprehensive Peace Agreement set forth in paragraph 7 of resolution 1591 (2005) and further clarified in paragraph 8 (b) of resolution 1945 (2010) shall no longer apply;

5. *Requests* the Panel of Experts to provide no later than 31 July 2012, a midterm briefing on its work and no later than 90 days after the adoption of this resolution an interim report to the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005) (hereinafter "the Committee") and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations;

6. *Requests* the Panel of Experts to provide monthly updates to the Committee regarding its activities, including Panel travel, any obstacles encountered to the fulfilment of its mandate, as well as violations of the sanctions;

7. *Requests* the Panel of Experts to report, in the timeframe identified in paragraph 5, on the implementation and effectiveness of paragraph 10 of resolution 1945 (2010);

8. *Requests* the Panel of Experts to coordinate its activities as appropriate with the operations of the United Nations/African Union Hybrid Operation in Darfur (UNAMID) and with international efforts to promote the political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2005), paragraph 7 of resolution 1591 (2005), and paragraph 10 of resolution 1945 (2010), progress towards removing impediments to the political process, threats to stability in Darfur and the region, violations of international humanitarian or human rights law or other atrocities, including sexual- and gender-based violence, and other violations of the above-mentioned resolutions, and to provide the Committee with information on the individuals and entities that meet the listing criteria in paragraph 3 (c) of resolution 1591;

9. *Regrets* that some individuals affiliated with the Government of Sudan and armed groups in Darfur have continued to commit violence against civilians, impede the peace process, and disregard the demands of the Council, *expresses* its intention to impose targeted sanctions against individuals and entities that meet the listing criteria in paragraph 3 (c) of resolution 1591 (2005), and *encourages* the

Panel of Experts, in coordination with the Joint African Union/United Nations Mediation, to provide to the Committee when appropriate the names of any individuals, groups, or entities that meet the listing criteria;

10. *Requests* the Panel of Experts to continue to investigate the role of armed, military, and political groups in attacks against UNAMID personnel in Darfur, and *notes* that individuals and entities who plan, sponsor or participate in such attacks constitute a threat to stability in Darfur and may therefore meet the designation criteria provided for in paragraph 3 (c) of resolution 1591 (2005);

11. *Expresses* its concern that certain items are being converted for military purposes and transferred to Darfur, and *urges* all States to be mindful of this risk in light of the measures contained in resolution 1591 (2005);

12. *Urges* all States, relevant United Nations bodies, the African Union and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolution 1591 (2005) and resolution 1556 (2004), and *calls on* all States to remove all obstacles to the work of the Panel of Experts, particularly to freedom of movement, including by issuing timely visas and travel permits;

13. *Urges* all States, in particular those in the region, to report to the Committee on the actions they have taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004), including imposition of targeted measures;

14. *Expresses its concern* that the travel ban and asset freeze on designated individuals is not being implemented by all States, and requests the Committee to respond effectively to any reports of non-compliance by States with paragraph 3 of resolution 1591 (2005) and resolution 1672 (2006), including by engaging with all relevant parties;

15. *Expresses* its intention, following the midterm report, to review the state of implementation, including obstacles to full and effective implementation of the measures, imposed in resolution 1591 (2005) and 1945 (2010), with a view to ensuring full compliance;

16. *Reaffirms* the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures and further encourages the Committee to continue its dialogue with UNAMID;

17. *Welcomes* the Committee's work, which has drawn on the reports of the Panel of Experts and taken advantage of the work done in other fora, to draw attention to the responsibilities of private sector actors in conflict affected areas;

18. *Decides* to remain actively seized of the matter.